

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL TERPIN,

Plaintiff,

**ORDER**

-against-

20-cv-3557 (CS) (AEK)

ELLIS PINSKY, et al.,

Defendants.

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**THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.**

This matter has been referred to the undersigned for general pretrial supervision. *See* ECF No. 91. The most immediate issue to be addressed is the series of discovery disputes identified by Plaintiff Michael Terpin (“Plaintiff”) in counsel’s March 21, 2022 letter to Judge Seibel. ECF No. 90. Specifically, Plaintiff takes issue with various objections asserted in discovery responses prepared by Defendant Ellis Pinsky (“Defendant”) while Defendant was still representing himself in this matter *pro se*. *See* ECF No. 90, Ex. B, ECF pg. 33 (responses dated March 8, 2022, and signed by Defendant himself). Among other things, Plaintiff contests objections interposed by Defendant based on “overbreadth,” the assertion of the attorney-client privilege, and Defendant’s invocation of his rights and privileges under the Fifth Amendment to the United States Constitution. *See* ECF No. 90.

Counsel for Defendant entered notices of appearance on March 17, 2022. ECF Nos. 82-83. In a text order dated March 29, 2022, this Court directed Defendant to file a response to Plaintiff’s March 21, 2022 letter brief by no later than March 31, 2022. ECF No. 93. Defendant’s counsel did not provide a substantive response to the issues identified in Plaintiff’s March 21, 2022 letter. Instead, counsel sought a lengthy additional extension of time to provide

that response in part because of the need to familiarize themselves with the record in this case.

*See* ECF No. 94. Plaintiff submitted a response to this letter on April 1, 2022. *See* ECF No. 95.

It has now been nearly 30 days since Defendant's counsel entered their notices of appearance. While this may not have been sufficient time to become familiar with each and every nuance of the case, or with each and every document that has been produced by Plaintiff to date, it certainly has been sufficient time for counsel to evaluate their client's *pro se* responses to Plaintiff's requests for production and interrogatories, to review and consider the issues identified by Plaintiff's counsel regarding those responses, and to determine whether amended responses are appropriate or whether Defendant will stand on the objections he previously asserted. Accordingly, this matter will proceed as follows:

- On or before **April 21, 2022**, Defendant's counsel will either: (i) serve a revised set of responses and objections to Plaintiff's interrogatories and requests for production; or (ii) if Defendant elects not to revise his responses and objections, file a substantive response to Plaintiff's March 21, 2022 letter (ECF No. 90) explaining why the asserted objections are appropriate.
- If Defendant elects not to revise his responses and objections and files a substantive response to the March 21, 2022 letter on or before April 21, 2022, then these disputes will be addressed at the next scheduled status conference, which will take place on April 29, 2022, as set forth further below.
- If Defendant elects to serve a revised set of responses and objections on or before April 21, 2022, the parties must meet and confer by telephone or video (not merely by an exchange of emails or letters) between April 22 and April 28, 2022 to assess whether any disputes remain based on Defendant's revised responses, and to discuss a comprehensive

revised discovery schedule. In this scenario, the April 29, 2022 conference will focus on setting a schedule for completion of all discovery and a schedule for briefing (by letter) and resolving any additional disputes that have been identified based on the revised responses and objections. The Court anticipates a short turnaround after April 29, 2022 for identifying and resolving the next round of discovery disputes, if necessary.

- An in-person conference is hereby scheduled for **Friday, April 29, 2022 at 11:00 a.m. ET**. While the Court expects that Mr. McCarthy or a designee from his firm will attend in person on behalf of Plaintiff, Mr. Blechner is hereby authorized to attend and substantively participate in the conference by telephone.

Dated: April 15, 2022  
White Plains, New York

**SO ORDERED.**



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ANDREW E. KRAUSE  
United States Magistrate Judge